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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,805	12/27/2001	Hiroyuki Kurata	2342-131P	1377
2292	7590	07/07/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			MCCLENDON, SANZA L	
			ART UNIT	PAPER NUMBER

1711

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,805

Applicant(s)

KURATA ET AL.

Examiner

Sanza L. McClendon

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. In response to the Amendment received on April 6, 2005, the examiner has carefully considered the amendments. The examiner acknowledges the addition of claim 21.

Response to Arguments

2. Applicant's arguments filed April 6, 2005 have been fully considered but they are not persuasive. Applicant appears to be relying on the amendment to claim 1 to overcome the prior art. However the limitation "for adhering a pellicle film made of a first fluorine-containing polymer to a pellicle from for supporting the pellicle film" is a future intended use limitation. The examiner is interpreting the claim be an adhesive comprising a fluorine-containing copolymer and an ultraviolet curing fluorine-containing monomer, wherein the UV curing fluorine monomer is selected from the groups as outlined in the claim. Therefore the presently claimed invention is still deemed unpatentable in view of the prior art. In reference to applicant's arguments regarding the description of the prior art and that it is not well known in the art of pellicle films to adhere pellicle films to pellicle frames using fluorinated adhesive composition, the examiner refers applicant to the same section of the specification, which states "...a pellicle comprising a **pellicle film** made of a fluorine containing organic substance **adhered to a pellicle frame** with **an adhesive made of the same fluorine-containing organic substance** has also been proposed (JAP Laid-open 6-67409." Therefore the examiner deems that is known in the prior art to use fluorine- containing adhesives for adhering fluorine-containing pellicles films to pellicle frames.

In regard to applicant' reference to Circuit Court 1998 case 47 USPQ2d 1027, the examiner deems that this does not apply since as described above there is a suggestion for a ordinary skilled artisan to make/use an adhesive according found in the instantly claimed invention. As pointed out in applicant's arguments reference to Japanese Patent Application Laid-open No. 6-67409 it is fluorine-containing adhesive materials are known for adhering fluorine-containing pellicle films to pellicle frames, wherein it is disclosed in the abstract of said reference that the fluorine-containing adhesive has large adhesion strength and causes no deterioration by light, so that the pellicle film causes no peeling nor cracking due to changes in tensile strength. Therefore it is deemed that there is a reasonable amount of motivation for a skilled artisan to expect a reasonable amount of success of obtaining the advantages described in the reference. Therefore, the rejections as found in prior office

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actions still stand. Additionally, applicant's amendment is being interpreted as a future intended use as is not required by the claims. The claims require an adhesive comprising a fluorine-containing polymer and an ultraviolet curing fluorine-containing monomer selected from the group as found in the instant claims.

Regarding the amendment to the claims with respect to the limitation "second fluorine-containing polymer" in the claims, the examiner deemed to be new matter--please see following rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant refers examiner to page 3, lines 11-17, page 4, lines 23 to page 5, line 1 for the support regarding "first fluorine-containing polymer" and "second fluorine-containing polymer"; however, the examiner can find no such references. Appropriate action is requested.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamotoe et al (JP 63-248807), in view of Yagi et al (JP 03-163182) and Yutaka et al (JP 4-028772).

The text of this rejection can be found in the body of previously mailed Office Actions. Claim 21 has been added to the rejection. It is deemed to be obvious in view of the above applied references since the combined references teaches the same adhesive as found in the instant claims, and it is therefore deemed that

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the prior art adhesive should also be suitable for bonding methods as found in the method of use claim 21. Applicant has provided no evidence to the contrary.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L. McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sanza L. McClendon

Examiner

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